

ASSEMBLY, No. 939

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

SYNOPSIS

Provides expedited processes related to approval of development projects.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT providing expedited processes related to the approval of
2 development projects and amending and supplementing various
3 parts of the statutory law.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. Section 5 of P.L.1966, c.301 (C.27:1A-5) is amended to read
9 as follows:

10 5. The commissioner, as head of the department, shall have all
11 of the functions, powers and duties heretofore vested in the State
12 Highway Commissioner and shall, in addition to the functions,
13 powers and duties vested in him by this act or by any other law:

14 (a) Develop and maintain a comprehensive master plan for all
15 modes of transportation development, with special emphasis on
16 public transportation. Such plan shall be revised and updated at
17 least every five years;

18 (b) Develop and promote programs to foster efficient and
19 economical transportation services in the State;

20 (c) Prepare plans for the preservation, improvement and
21 expansion of the public transportation system, with special
22 emphasis on the coordination of transit modes and the use of rail
23 rights of way, highways and public streets for public transportation
24 purposes;

25 (d) Enter into contracts with the New Jersey Transit Corporation
26 for the provision and improvement of public transportation services;

27 (e) Coordinate the transportation activities of the department
28 with those of other public agencies and authorities;

29 (f) Cooperate with interstate commissions and authorities, State
30 departments, councils, commissions and other State agencies, with
31 appropriate federal agencies, and with interested private individuals
32 and organizations in the coordination of plans and policies for the
33 development of air commerce and air facilities;

34 (g) Make an annual report to the Governor and the Legislature
35 on the department's operations, and render such other reports as the
36 Governor shall from time to time request or as may be required by
37 law;

38 (h) Promulgate regulations providing for the charging of and
39 setting the amount of fees for certain services performed by and
40 permits issued by the department, including but not limited to the
41 following:

42 (1) Providing copies of documents prepared by or in the custody
43 of the department;

44 (2) Aeronautics permits;

45 (3) Right-of-way permits;

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 (4) Traffic signal control systems;

2 (i) Develop and promote programs for the preservation,
3 improvement and expansion of freight railroads, with special
4 emphasis on the use of rail rights of way for the purpose of
5 providing rail freight service;

6 (j) Develop and promote a program to ensure the safety and
7 continued operation of aviation facilities in New Jersey;

8 (k) Enter into agreements with a public or private entity or
9 consortia thereof to provide for the development of demonstration
10 projects through the use of public-private partnerships pursuant to
11 sections 1 through 9 of P.L.1997, c.136 (C.27:1D-1 through
12 C.27:1D-9);

13 (l) Do any and all things necessary, convenient or desirable to
14 effectuate the purposes of P.L.1966, c.301 (C.27:1A-1 et seq.) and
15 to exercise the powers given and granted in that act; **[and]**

16 (m) Enter into agreements or contracts with a private entity and
17 charge and collect fees or other payments for the placement of
18 sponsorship acknowledgment and advertising on signs, equipment,
19 materials, and vehicles used for a safety service patrol or emergency
20 service patrol program operated by the department, or operated by a
21 private entity under contract with the department or through the use
22 of a public-private partnership or demonstration project; and

23 (n) Provide an expedited permitting process for permits issued
24 by the department pursuant to the provisions of section 2 of
25 P.L. , c. (C.) (pending before the Legislature as this bill).
26 (cf: P.L.2011, c.133, s.1)
27

28 2. (New section) a. Upon request of an applicant for an
29 expedited review of a permit application, the department shall
30 provide an expedited review of the application. The expedited
31 review shall be performed by department staff working outside of
32 regular work hours. The expedited review of the application shall
33 be completed not later than the close of business on the tenth
34 business day next following the filing of a permit application, and
35 the department shall issue the requested permit, not later than the
36 close of business on the third business day following the completion
37 of the review.

38 As part of the expedited review of a permit by the department
39 pursuant to this section, in addition to any fee required to be paid by
40 the applicant for the permit, an expedited review fee shall be paid to
41 the department. The fee shall be set by the department, and shall
42 not exceed the cost to the department of performing the expedited
43 review, including overtime payments to employees.

44 b. Upon the request of the applicant, or his agent, architect,
45 engineer, or builder, the department shall conduct an expedited
46 inspection of construction undertaken pursuant to a permit issued by
47 the department. An expedited inspection pursuant to this section
48 shall be performed by department staff working outside of regular

1 work hours, and shall occur not later than 36 hours after the
2 department receives a request for an inspection by an owner or his
3 agent, architect, engineer, or builder. Once an owner has requested
4 an expedited inspection pursuant to this section, the owner cannot
5 request any additional inspection that may be required on a non-
6 expedited basis.

7 An owner seeking an expedited inspection under this section
8 shall pay to the department an expedited inspection fee, in addition
9 to any other inspection fee required to be paid. The fee shall be set
10 by the department, and shall not exceed the cost to the department
11 of performing the expedited inspection, including overtime
12 payments to employees.

13 c. The provisions of this section shall not apply to any permit
14 or inspection if it is not possible to complete the expedited process
15 in compliance with federal law or regulations concerning any
16 department permits or inspections, or if the expedited process
17 would in any way place federal funding received by the department
18 at risk.

19
20 3. Section 13 of P.L.1975, c.217 (C.52:27D-131) is amended to
21 read as follows:

22 13. a. The enforcing agency shall examine each application for
23 a construction permit. If the application conforms with **[this act]**
24 the provisions of P.L.1975, c.217 (C.52:27D-119 et seq.), the code,
25 and the requirements of other applicable laws and ordinances, the
26 enforcing agency shall approve the application and shall issue a
27 construction permit to the applicant. **[Every]** Unless the
28 application is subject to an expedited process for the issuance of
29 construction permits established pursuant to section 4 of P.L. ,
30 c. (C.) (pending before the Legislature as this bill), every
31 application for a construction permit shall be granted, in whole or in
32 part, or denied within 20 business days, unless the application is
33 limited to the construction of a ramp designed to provide
34 wheelchair access to a one or two-unit dwelling, and required for
35 such access by a resident of the dwelling, in which case the permit
36 shall be granted or denied within five business days. If an
37 application is denied in whole or in part, the enforcing agency shall
38 set forth the reasons therefor in writing. If an enforcing agency
39 fails to grant, in whole or in part, or deny an application for a
40 construction permit within the period of time prescribed herein,
41 such failure shall be deemed a denial of the application for purposes
42 of an appeal to the construction board of appeals unless such period
43 of time has been extended with the consent of the applicant. The
44 enforcing agency may approve changes in plans and specifications
45 previously approved by it, if the plans and specifications when so
46 changed remain in conformity with law. Except as otherwise
47 provided in this act or the code, the construction or alteration of a
48 building or structure shall not be commenced until a construction

1 permit has been issued. The construction of a building or structure
2 shall be in compliance with the approved application for a
3 construction permit; and the enforcing agency shall insure such
4 compliance in the manner set forth in section 14 of **[this act]**
5 P.L.1975, c.217 (C.52:27D-132).

6 The commissioner, after consultation with the code advisory
7 board, may, for certain classes or types of occupancy posing special
8 or unusual hazards to public safety, establish regulations
9 designating the department as the enforcing agency for purposes of
10 approving plans and specifications. A municipal enforcing agency
11 shall not grant an occupancy permit for any such class or type of
12 construction unless the applicant submits appropriate plans and
13 specifications certified or approved by the department. Upon
14 submission by an applicant of such certified approved plans and
15 specifications, the enforcing agency shall recognize the approval
16 when deciding whether to approve the application for a construction
17 permit.

18 b. A construction permit, issued in accordance with the
19 foregoing provisions, pursuant to which no construction has been
20 undertaken above the foundation walls within one year from the
21 time of issuance, shall expire.

22 c. The enforcing agency may revoke or cancel a construction
23 permit in the event the project for which the permit is obtained is
24 not completed by the third anniversary of the date of issuance of the
25 construction permit. Notwithstanding the provisions of any other
26 law, rule or regulation to the contrary, the enforcing agency may
27 revoke or cancel a construction permit in effect on the effective date
28 of P.L.2001, c.457 (C.52:27D-131.1 et al.), if the project for which
29 the construction permit was obtained is not completed by the third
30 anniversary of the effective date of P.L.2001, c.457 (C.52:27D-
31 131.1 et al.).

32 d. If the project for which the permit is obtained is not
33 completed by a deadline set forth in this section, the permittee may
34 submit a request for an extension of the permit to the enforcing
35 agency for review. The enforcing agency may extend the permit for
36 a period of one year. Approval of the extension shall not be
37 unreasonably withheld. Denial of a request for an extension may be
38 appealed to the county construction board of appeals established
39 pursuant to section 9 of P.L.1975, c.217 (C.52:27D-127). If a
40 project is not completed within the deadline set forth in this section,
41 the enforcing agency shall take all appropriate action up to and
42 including demolition of the uncompleted structure.

43 The provisions of this subsection shall not apply to a permit
44 obtained: (1) to construct improvements to the interior of a
45 residential property in which the permittee is currently residing that
46 are not visible from the outside of the residential property, (2) for
47 any building of which the exterior and all required site

1 improvements have been fully constructed, or (3) for a project while
2 that project is under the control of a mortgagee in possession.

3 The enforcing agency may suspend, revoke or cancel a
4 construction permit in case of neglect or failure to comply with the
5 provisions of this act or the code, or upon a finding by it that a false
6 statement or representation has been made in the application for the
7 construction permit.

8 (cf: P.L.2015, c.159, s.1)

9
10 4. (New section) a. Upon the request of an applicant for an
11 expedited review of an application for a construction permit, the
12 enforcing agency shall provide an expedited review of the
13 application pursuant to the provisions of this section. The
14 expedited review shall be performed by enforcing agency staff
15 working outside of regular work hours. The enforcing agency shall
16 perform and complete the expedited review not later than the close
17 of business on the tenth business day next following the filing of a
18 permit application, and the requested permit shall be issued not later
19 than the close of business on the third business day next following
20 the completion of the review.

21 b. As part of the expedited review of a permit by the enforcing
22 agency pursuant to this section, in addition to any fee required to be
23 paid by the applicant for the permit, an expedited review fee shall
24 be paid to the enforcing agency. The expedited review fee shall be
25 set by the municipality, and shall not exceed the cost to the
26 enforcing agency of performing the expedited review, including
27 overtime payments to employees.

28 c. The provisions of this section shall not apply if it is not
29 possible to complete the expedited process in compliance with
30 federal law or regulations, or if the expedited process would in any
31 way place federal funding received by the municipality at risk.

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33 5. (New section) a. An owner, or the owner's agent, architect,
34 engineer, or builder, may request the enforcing agency to perform
35 expedited inspections. If so requested, the enforcing agency shall
36 perform expedited inspections. An expedited inspection shall be
37 performed outside of regular work hours, not later than 36 hours
38 after the enforcing agency receives a request for an expedited
39 inspection from the owner or his agent, architect, engineer, or
40 builder. Once an owner has requested the enforcing agency to
41 perform an expedited inspection, all inspections related to the
42 permit or shall be performed on an expedited basis.

43 b. An owner requesting expedited inspections shall pay the
44 enforcing agency an expedited inspection fee. The fee shall be in
45 addition to any inspection fee required to be paid to the enforcing
46 agency. The expedited inspection fee shall be set by the
47 municipality, and shall not exceed the cost to the enforcing agency

1 of performing the expedited inspection, including overtime
2 payments to inspectors.

3 c. The provisions of this section shall not apply if it is not
4 possible to complete the expedited process in compliance with
5 federal law or regulations concerning inspections, or if the
6 expedited process would in any way place federal funding received
7 by the municipality at risk.

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9 6. (New section) a. Upon the request of an applicant for an
10 expedited review of an application before a county planning board,
11 the planning board shall provide an expedited review and decision
12 of the application pursuant to the provisions of this section.

13 b. The county planning board shall perform and complete an
14 expedited review of the application outside of regular work hours,
15 and no later than the close of business on the tenth business day
16 next following the date of receipt of a request for an expedited
17 review pursuant to this section. The board's decision shall be
18 issued in writing to the applicant not later than the close of business
19 on the third business day next following the completion of the
20 review.

21 c. As part of the applicant's application for an expedited
22 review and decision pursuant to this section, in addition to any fee
23 required for the permit, an expedited review fee shall be paid to the
24 county planning board. The county planning board shall set the fee,
25 which shall not exceed the cost to of performing the expedited
26 review, including overtime payments to employees.

27 d. The provisions of this section shall not apply if it is not
28 possible to complete the expedited process in compliance with
29 federal law or regulations, or if the expedited process would in any
30 way place federal funding received by the county at risk.

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32 7. This act shall take effect immediately.

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STATEMENT

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37 This bill would establish expedited processes related to approval
38 of development projects on the State and local level.

39 Under the bill, applicants and permittees may request an
40 expedited process, which must be honored, for: applications for
41 construction permits and expedited inspections of work related to
42 those permits by construction code officials; expedited review and
43 approval on reviews required to be performed by county planning
44 boards for subdivisions and site plans; applications for permits
45 issued by the Department of Transportation; and applications for
46 permits and inspections from the Department of Community Affairs
47 when the department provides code enforcement for a municipality,

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1 or municipalities, pursuant to section 10 of the “State Uniform
2 Construction Code Act,” P.L.1975, c.217 (C.52:27D-128).

3 The bill sets specific time frames within which the expedited
4 processes must occur, and authorizes additional fees to be paid for
5 those expedited processes.

6 The bill prohibits an expedited process if it is not possible for the
7 governmental entity to complete the expedited process in
8 compliance with federal law, or if the expedited process would in
9 any way place federal funding at risk.